## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF TEXAS

## SHERMAN DIVISION

HECTOR GARCIA, JR., #1588679

VS. 

§ CIVIL ACTION NO. 4:11cv558

S. KENNINGTON, ET AL. §

## ORDER

On September 26, 2012, a Fourth Report and Recommendation was issued regarding the disposition of the lawsuit. Since then, the parties consented to the undersigned presiding over the jury trial. No objections were filed to the Fourth Report and Recommendation, thus it is adopted by the Court. It is accordingly

**ORDERED** that the Fourth Report and Recommendation (docket entry #85) is **ADOPTED**. It is further

**ORDERED** that Defendant Kennington's motion for summary judgment (docket entry #60) is **GRANTED**, in part, and **DENIED**, in part. The motion for summary judgment is **GRANTED** to the extent that the Plaintiff has sued Kennington in her official capacity for damages and **DENIED** in all other respects. It is finally

**ORDERED** that the Plaintiff's motion for judgment on the pleadings/summary judgment (docket entry #66) is **DENIED**.

SIGNED this 10th day of December, 2012.

AMOS L. MAZZANT

UNITED STATES MAGISTRATE JUDGE